

Condensed Transcript

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MELVIN KENDZIORSKI,
Plaintiff,

vs.

Civil Action
File No. 2005-064008-NO

COLLEEN A. O'BRIEN, INDIANA PACERS,
an assumed name for PACERS BASKETBALL
CORPORATION, an Indiana corporation;
JERMAINE O'NEAL, an Indiana resident;
JAMAAL TINSLEY, an Indiana resident; and
JOHN GREEN, a Michigan resident,
jointly and severally,
Defendants.

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHARLES HADDAD,  
Plaintiff,

vs.

Civil Action  
File No. 04-CV74932

INDIANA PACERS, an assumed name, a/k/a  
PACERS BASKETBALL CORPORATION,  
an Indiana corporation,  
JERMAINE O'NEAL and  
ANTHONY JOHNSON, Jointly and Severally,  
Defendants.

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Hon. Anna Diggs Taylor
Mag. Judge Donald A. Scheer



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STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

JOHN F. ACKERMAN, JR.,
Plaintiff,

vs.

Case No. 04-062545 NO

Hon. D Langford-Morris

INDIANA PACERS, an assumed
name for PACERS BASKETBALL
CORPORATION, an Indiana Corporation,
RON ARTEST, STEPHEN JACKSON,
JERMAINE O'NEAL, DAVID HARRISON and
THE PALACE OF AUBURN HILLS,
an assumed name for PALACE SPORTS &
ENTERTAINMENT, INC., Jointly and Severally,
Defendants.

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**VIDEOTAPED DEPOSITION OF**

**ANTHONY MARK JOHNSON**

January 26, 2006  
8:00 a.m.

125 South Pennsylvania Street  
Indianapolis, Indiana

Blanche J. Harris, CCR No. B-2290



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| <p style="text-align: center;">17</p> <p>1 A. Not really. No.</p> <p>2 Q. My understanding is that you had</p> <p>3 the misfortune of having a bad hand at the</p> <p>4 time of this game?</p> <p>5 A. Yes.</p> <p>6 Q. Tell us how that came about and</p> <p>7 what the nature of the injury was.</p> <p>8 A. In the pre-season, I played a game</p> <p>9 against the Memphis Grizzlies, and I was</p> <p>10 defending a guy, and basically broke the</p> <p>11 fourth metacarpal in my right hand.</p> <p>12 Q. And was it casted?</p> <p>13 A. It had a soft cast on it.</p> <p>14 Q. No pins or anything?</p> <p>15 A. No.</p> <p>16 Q. And what stage of the healing was</p> <p>17 it on the evening of the problem at The</p> <p>18 Palace?</p> <p>19 A. After I had the injury, I was</p> <p>20 basically out for four weeks. So I would</p> <p>21 say that was probably in the second week of</p> <p>22 being out four weeks.</p> <p>23 Q. You weren't planning to play in</p> <p>24 the next few days after this particular</p> <p>25 evening?</p> | <p style="text-align: center;">19</p> <p>1 Q. Fair enough. Was it in a soft</p> <p>2 cast that evening?</p> <p>3 A. Yes.</p> <p>4 Q. When you looked at the video,</p> <p>5 could you see the soft cast on your hand?</p> <p>6 A. I wasn't aware of it.</p> <p>7 Q. Who was the captain that evening?</p> <p>8 Who were the captains of the Pacers at that</p> <p>9 time?</p> <p>10 A. At that time, we had three</p> <p>11 captains: Ron Artest, Reggie Miller and</p> <p>12 Jermaine O'Neal.</p> <p>13 Q. What was the committee?</p> <p>14 A. We had a separate committee, as</p> <p>15 far as different guys that handled issues as</p> <p>16 it relates to our ball club and things being</p> <p>17 decided.</p> <p>18 Q. Have you ever given a deposition</p> <p>19 before? This is a deposition, like this.</p> <p>20 A. No.</p> <p>21 Q. Had you seen the complaint that</p> <p>22 was shown to you today, before today?</p> <p>23 A. I saw it last night.</p> <p>24 Q. Is that the first time?</p> <p>25 A. Basically, yes.</p> |
| <p style="text-align: center;">18</p> <p>1 A. No.</p> <p>2 Q. And would you sit in your city</p> <p>3 clothes or street clothes at each game,</p> <p>4 dressed as you were that evening?</p> <p>5 A. Yes.</p> <p>6 Q. That was your practice?</p> <p>7 A. Yes.</p> <p>8 Q. And you have rights to sit on the</p> <p>9 bench, of course?</p> <p>10 A. Yes.</p> <p>11 Q. Did you have any role whatsoever</p> <p>12 while you were on the bench, in terms of the</p> <p>13 game itself?</p> <p>14 A. Just supporting my teammates.</p> <p>15 Q. Shouting and screaming and usual</p> <p>16 stuff?</p> <p>17 A. Yes.</p> <p>18 Q. But you had no -- you didn't guide</p> <p>19 anybody, you didn't conference with anybody,</p> <p>20 you didn't strategize with anybody?</p> <p>21 A. Me being part of the team, I am</p> <p>22 in on, you know, the strategy that we set</p> <p>23 forth. But due to the fact that I had a</p> <p>24 broken hand, I wasn't able to physically</p> <p>25 participate.</p>                                                      | <p style="text-align: center;">20</p> <p>1 Q. Let's go through your memory. I'm</p> <p>2 going to ask you to try to do your best what</p> <p>3 you remember as distinguished and what you</p> <p>4 saw in the video. All the rest of my</p> <p>5 questions are your best memory. Don't guess</p> <p>6 and don't use the video as your reference;</p> <p>7 okay? Your memory of that night; okay?</p> <p>8 Am I clear, that's all I'm asking</p> <p>9 you?</p> <p>10 A. Yes.</p> <p>11 Q. Do you remember being at the game?</p> <p>12 A. Yes.</p> <p>13 Q. Do you remember before the</p> <p>14 Artest/Wallace confrontation, anything out of</p> <p>15 the ordinary?</p> <p>16 A. No.</p> <p>17 Q. Another ball game?</p> <p>18 A. Yes.</p> <p>19 Q. Do you remember who was winning?</p> <p>20 A. Yes.</p> <p>21 Q. By how much when Wallace and</p> <p>22 Artest --</p> <p>23 A. I don't really remember how much</p> <p>24 we were winning by.</p> <p>25 Q. Enough to be comfortable?</p>                                            |

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| <p style="text-align: center;">25</p> <p>1 in the locker room, When did you first hear<br/>2 about that?<br/>3 A. Probably at the tail end of the<br/>4 melee.<br/>5 Q. Did you notice anything -- did you<br/>6 see Mr. Artest come back from what we now<br/>7 know as the stands on to the floor?<br/>8 A. I kind of caught a view of him<br/>9 out of my peripheral vision.<br/>10 Q. And was there a game still going<br/>11 on, or was the game over, for all practical<br/>12 purposes?<br/>13 A. There was still time remaining on<br/>14 the clock. So I would say that the game was<br/>15 still going on.<br/>16 Q. But from a practical purpose, was<br/>17 it ever played again; anymore played that<br/>18 night?<br/>19 A. No.<br/>20 Q. The -- did you see fans coming<br/>21 onto the floor?<br/>22 A. Yes. Definitely.<br/>23 Q. Many?<br/>24 A. It was -- yes. It was a lot.<br/>25 It was total chaos. And once they started</p>                                                                                                                                                                                        | <p style="text-align: center;">27</p> <p>1 Q. They like the Pistons?<br/>2 A. That could be it.<br/>3 Q. We do, you know?<br/>4 And could you even number the<br/>5 number of fans that were on the floor as you<br/>6 were looking at all this?<br/>7 A. I cannot number it. But I knew<br/>8 it was enough to make me and my teammates<br/>9 uncomfortable.<br/>10 Q. What did you do when you saw the<br/>11 fans coming onto the floor and Mr. Artest<br/>12 going by?<br/>13 A. When I saw fans jumping over the<br/>14 bench area, I saw guys with Piston uniforms<br/>15 and objects in their hands. And I saw guys<br/>16 confronting Mr. Artest. One of them had his<br/>17 arm in the air attempting to strike Mr.<br/>18 Artest --<br/>19 Q. Stop right there. That gentleman,<br/>20 I think everyone would agree, had a hat on;<br/>21 do you remember?<br/>22 A. I'm not sure.<br/>23 Q. Did he have anything in his hand<br/>24 that you could identify as to what it is?<br/>25 A. A white bag.</p> |
| <p style="text-align: center;">26</p> <p>1 coming on the court, I was afraid for my<br/>2 safety and for the safety of my teammates and<br/>3 people associated with the Pacers organization.<br/>4 Q. And I gather -- and in all<br/>5 fairness, I don't think there's much issue --<br/>6 that your team, as well as any other team,<br/>7 there is a camaraderie and a protect each<br/>8 other attitude that prevails throughout being<br/>9 part of the team; is that correct?<br/>10 A. Definitely. I think due to the<br/>11 fact that we spend a lot of time together,<br/>12 there is a family atmosphere surrounding our<br/>13 team.<br/>14 Q. And when you're visiting another<br/>15 town, they're never on your side, are they?<br/>16 A. More times than not, no.<br/>17 Q. It can be, at least verbally, a<br/>18 hostile atmosphere in visiting towns?<br/>19 A. Yes. Definitely.<br/>20 Q. But it goes with the game. People<br/>21 get excited; the fans get excited?<br/>22 A. I would say they get more excited<br/>23 in Detroit than other places.<br/>24 Q. More drinking there?<br/>25 A. For whatever reason.</p> | <p style="text-align: center;">28</p> <p>1 Q. A what kind of bag?<br/>2 A. He had a white bag in one hand.<br/>3 Q. In color, white?<br/>4 A. Yes.<br/>5 Q. Do you know what kind of bag?<br/>6 A. No.<br/>7 Q. And how far away were you from<br/>8 these two persons, Artest and the man with<br/>9 the white bag in his hand?<br/>10 A. Probably 10 feet.<br/>11 Q. If we are looking at the video<br/>12 camera at the other end of this table, how<br/>13 close to that video camera would you have<br/>14 been to Mr. Artest? Halfway down this table?<br/>15 All the way down there?<br/>16 A. I would probably say three<br/>17 quarters.<br/>18 Q. And that's what you estimate is<br/>19 about 10 feet?<br/>20 A. Yes.<br/>21 Q. Do you know how long the court is?<br/>22 A. The playing surface is 94 feet.<br/>23 Q. And width?<br/>24 A. I don't know that.<br/>25 Q. Where was the players' bench that</p>                                                                                           |

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| <p style="text-align: center;">29</p> <p>1 you were located at on that floor in</p> <p>2 relationship to the 94 feet? Where would you</p> <p>3 describe it?</p> <p>4 A. Probably at the tail end of one</p> <p>5 side of the court. So --</p> <p>6 Q. First 20 feet of the court?</p> <p>7 A. Yeah.</p> <p>8 Q. When you saw this man going</p> <p>9 towards Mr. Artest with his hand up, what did</p> <p>10 you do?</p> <p>11 A. Due to the fact that it was</p> <p>12 another guy attempting to tackle Mr. Artest,</p> <p>13 you know, it was two guys attacking my</p> <p>14 teammate, and due to the fact that I was</p> <p>15 afraid for my safety and afraid for his</p> <p>16 safety, I made an effort to -- made an</p> <p>17 effort to make sure that he was okay.</p> <p>18 Q. Now, do you know which of the two</p> <p>19 persons first engaged with Mr. Artest, the</p> <p>20 guy with the hat and the white bag or the</p> <p>21 other guy?</p> <p>22 A. I do not know.</p> <p>23 Q. But you definitely saw the man</p> <p>24 with the white bag making some physical --</p> <p>25 A. I saw two men.</p> | <p style="text-align: center;">31</p> <p>1 Shackelford and one was Haddad, have you ever</p> <p>2 heard these names before?</p> <p>3 A. I saw those names in the</p> <p>4 complaint.</p> <p>5 Q. But before that?</p> <p>6 A. No.</p> <p>7 Q. Do you know anything about their</p> <p>8 background, history, or what they were doing</p> <p>9 there that night?</p> <p>10 A. No.</p> <p>11 Q. All right. In trying to help Mr.</p> <p>12 Artest, what did you do to help him?</p> <p>13 A. Due to the fact that I had a</p> <p>14 broken hand, I made an effort to subdue one</p> <p>15 of the guys that was on the ground.</p> <p>16 Q. And what did you do physically?</p> <p>17 Just describe your actions.</p> <p>18 A. Well, due to the fact that it was</p> <p>19 a lot of liquid substance on the court, I</p> <p>20 slipped, and it basically amounted to me</p> <p>21 falling on top of one of the guys.</p> <p>22 Q. That was not your plan?</p> <p>23 A. It was --</p> <p>24 Q. You didn't do that intentionally?</p> <p>25 A. It was my plan to subdue one of</p> |
| <p style="text-align: center;">30</p> <p>1 Q. Do you know at what stage the</p> <p>2 other man put his hands on Mr. Artest? Who</p> <p>3 came first?</p> <p>4 A. Say that again.</p> <p>5 Q. Who of the two started it first?</p> <p>6 A. Due to the fact that it was so</p> <p>7 much chaos and it was a lot going on and I</p> <p>8 was afraid for my safety, everything was</p> <p>9 moving fast. So I just saw two guys</p> <p>10 simultaneously making an effort to do Mr.</p> <p>11 Artest harm.</p> <p>12 Q. What did you do?</p> <p>13 A. I immediately made my way over</p> <p>14 there. And since it was two guys attempting</p> <p>15 to injure my teammate, I made an effort to</p> <p>16 subdue one of the guys.</p> <p>17 Q. Which one of the two?</p> <p>18 A. I don't know.</p> <p>19 Q. The one that had the white bag or</p> <p>20 the other man?</p> <p>21 A. I don't know.</p> <p>22 Q. Do you even know the names of</p> <p>23 these two men?</p> <p>24 A. No.</p> <p>25 Q. If I was to tell you one was</p>                                                                                     | <p style="text-align: center;">32</p> <p>1 the guys.</p> <p>2 Q. Is that the first physical contact</p> <p>3 you had with that guy that you fell on?</p> <p>4 A. Yeah. That was the first contact</p> <p>5 I had with anyone.</p> <p>6 Q. And that was literally falling on</p> <p>7 somebody?</p> <p>8 A. Yes. Because I had on dress shoes</p> <p>9 and I slipped.</p> <p>10 Q. And once you were on top of him,</p> <p>11 what happened next? Did you hit him at all?</p> <p>12 A. I made an effort to subdue him,</p> <p>13 and I immediately made an effort to get back</p> <p>14 up to my feet.</p> <p>15 Q. And how did you make an effort to</p> <p>16 subdue him? What did you do?</p> <p>17 A. Due to the fact I had a broken</p> <p>18 hand, I basically just wanted to basically</p> <p>19 physically grab the guy and get him under</p> <p>20 control.</p> <p>21 Q. Did you hit him with your good</p> <p>22 hand?</p> <p>23 A. No.</p> <p>24 Q. And your left hand is your --</p> <p>25 right hand is your dominant hand?</p>                                   |



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| <p>33</p> <p>1 A. Yes.</p> <p>2 Q. Did you hit him anywhere in the</p> <p>3 body?</p> <p>4 A. No.</p> <p>5 Q. When you fell on him, what part of</p> <p>6 your body fell on that person?</p> <p>7 A. Basically, it was more like my</p> <p>8 forearm and I guess my upper torso maybe</p> <p>9 falling on the top of his back.</p> <p>10 Q. So he was face down --</p> <p>11 A. He was --</p> <p>12 Q. -- as it turned out?</p> <p>13 A. He wasn't face down. He was on</p> <p>14 fours, attempting to get up.</p> <p>15 Q. But his back was to you?</p> <p>16 A. No. His back was not to me.</p> <p>17 Q. What did you fall on, then?</p> <p>18 A. I fall on more his shoulder area.</p> <p>19 Q. Other than using his hands to try</p> <p>20 to get up, was he doing anything else at</p> <p>21 that time?</p> <p>22 A. Due to the fact it was a lot of</p> <p>23 chaos, and I felt threatened, and I felt like</p> <p>24 my teammates were being threatened, it looked</p> <p>25 like he made an effort to do bodily harm to</p> | <p>35</p> <p>1 the scene and the action?</p> <p>2 A. I did not see that.</p> <p>3 Q. Did you -- when did you next see</p> <p>4 Mr. Jermaine O'Neal?</p> <p>5 A. In the locker room.</p> <p>6 Q. When did you next see Mr. Ron</p> <p>7 Artest?</p> <p>8 A. In the locker room.</p> <p>9 Q. You were at a --</p> <p>10 MR. CHARFOOS: Off the record for</p> <p>11 a moment, please.</p> <p>12 VIDEOGRAPHER: Going off the video</p> <p>13 record at 8:30.</p> <p>14 (A recess was taken.)</p> <p>15 Q. (By Mr. Charfoos) Did you ever</p> <p>16 agree in a sworn statement that you had --</p> <p>17 strike that.</p> <p>18 You gave no bodily blow to the</p> <p>19 person underneath to, you his head in any</p> <p>20 way, form or manner; may we say that for</p> <p>21 sure?</p> <p>22 A. Yes.</p> <p>23 Q. Did you even know how tall or how</p> <p>24 heavy he was?</p> <p>25 A. No.</p>                                                                           |
| <p>34</p> <p>1 my teammate.</p> <p>2 Q. But not to you?</p> <p>3 A. Not to me.</p> <p>4 Q. And somebody pulled you off,</p> <p>5 actually, didn't they?</p> <p>6 A. I really don't remember that.</p> <p>7 Q. You do remember getting up?</p> <p>8 A. Yes.</p> <p>9 Q. And you know what he did next?</p> <p>10 A. No.</p> <p>11 MR. LEITMAN: Who's he?</p> <p>12 MR. CHARFOOS: The one he was</p> <p>13 laying on.</p> <p>14 THE WITNESS: No.</p> <p>15 Q. (By Mr. Charfoos) You didn't see</p> <p>16 him after that?</p> <p>17 A. No.</p> <p>18 Q. Do you know what happened to the</p> <p>19 gentleman with the white bag in his hand?</p> <p>20 A. No.</p> <p>21 Q. Did you have -- see what Mr.</p> <p>22 Artest did once you fell on this other</p> <p>23 fellow?</p> <p>24 A. No.</p> <p>25 Q. Did you see Mr. O'Neal come into</p>                                                                                                                                                                                          | <p>36</p> <p>1 MR. CHARFOOS: Off the record.</p> <p>2 VIDEOGRAPHER: Off the record at</p> <p>3 8:31.</p> <p>4 (A recess was taken.)</p> <p>5 VIDEOGRAPHER: The time is 8:33.</p> <p>6 We're back on the video record.</p> <p>7 Q. (By Mr. Charfoos) In the area</p> <p>8 where you, Mr. Artest were when you slipped</p> <p>9 and fell, did you see the color of the</p> <p>10 jerseys of the persons that were helping you</p> <p>11 get up?</p> <p>12 A. No.</p> <p>13 Q. Did you see any red or blue</p> <p>14 jerseys around you, around Mr. Artest, or</p> <p>15 around the two fans that you've spoken about?</p> <p>16 A. No.</p> <p>17 MR. POTTER: Mr. Charfoos, by</p> <p>18 jerseys, do you mean a shirt?</p> <p>19 MR. CHARFOOS: Yeah, red or blue</p> <p>20 shirt.</p> <p>21 THE WITNESS: No.</p> <p>22 Q. (By Mr. Charfoos) Like security</p> <p>23 designation or service area designation?</p> <p>24 A. No.</p> <p>25 MR. CHARFOOS: I have no further</p> |